



JAN 26 2004

JC42 3522

PTO-1449

TRADEMA

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KECK *et al.*

Serial No.: 09/601,997

Conf. No.: 5984; Customer No. 24961

Filing Date: December 15, 2000

For: **NON-BACTERIAL CLONING IN
DELIVERY AND EXPRESSION OF
NUCLEIC ACIDS**

Art Unit: 1635

Examiner: Epps, Janet L.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number

EV 417726827 US

Date of Deposit January 26, 2004

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1/26/2004

Date

Rosalind E. Brady

ATTACHMENTS

Supplemental Information Disclosure Statement, Form PTO-1449, copy of one (1) citation



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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN
ACCORDANCE WITH 37 C.F.R. §§ 1.97-1.98**

Mail Stop RCE
Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is filed concurrent with a Request for Continued Examination. Thus, a fee for filing this statement should not be due. If, however, it is determined that a fee is due, any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Form PTO-1449 (1 page) and a copy of the cited document are provided herewith.

The cited document, listed on Forms PTO-1449 and supplied herewith, is in the English language. Hence, in accordance with the requirements of 37

U.S.S.N. 09/601,997

Keck, et al.

Supplemental Information Disclosure Statement

C.F.R. § 1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Pursuant to 37 C.F.R. §1.56, if inventors of subject matter not commonly owned at the time of the later invention file a joint application (i.e. the above-mentioned continuation-in-part application), applicant has an obligation to point this out.

Applicant respectfully requests that the Examiner review the foregoing references and make them of record in the file history of the above-captioned application.

Respectfully submitted,
HELLER EHRLMAN WHITE & McAULIFFE LLP

By: 

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FORM PTO-1449

JAN 26 2004

LIST OF PATENTS AND PUBLICATIONS FOR
APPLICANT'S INFORMATION DISCLOSURE
STATEMENTATTY. DOCKET NO.
24743-2307USSERIAL NO.
09/601,997CONFIRM NO.
5984APPLICANT
Keck *et al.*CUSTOMER NO.
24961FILING DATE
December 15, 2000GROUP
1645

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER								DATE	NAME	CLASS	SUB CLASS	FILING DATE
	A	6	6	0	5	4	2	9		08/12/03	Barber <i>et al.</i>	435	6	01/21/98

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER								DATE	COUNTRY	CLASS	SUB CLASS	Translation Yes	Translation No

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Title: *Non-Bacterial Cloning in Delivery and Expression of Nucleic Acids*